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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

 Docket Number (Optional)
1217-053932

In re Application of: Toshiaki Kawanishi et al.
 Application No.: 10/564,332
 Filed: January 11, 2006
 For: Type Identification System for Diesel Oil and Method for Identifying Type of Diesel Oil

The owner*, Mitsui Mining & Smelting Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent Nos. 7,152,582 and 7,168,300, as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:

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2. The undersigned is an attorney or agent of record. Reg. No. 25,826


Signature
Kent E. Baldauf

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11-26-07

Date

412-471-8815

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Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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